

## REMARKS

### **1. Claim Rejections – 35 U.S.C. § 103**

In the Office Action mailed October 9, 2007, claims 1-2 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. (U.S. Publication No. 2003/0079028) in view of Ramaswamy (U.S. Patent No. 6,423,892). Claims 3-5 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. and Ramaswamy in further view of Itoh et al. (U.S. Publication No. 2003/0100267). Claim 6 was rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. and Ramaswamy in further view of Hashimoto et al. (U.S. Patent No. 6,999,754). Claims 7-8 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. in view of Hashimoto et al. and in further view of Ramaswamy. Claim 9 was rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. in view of Hashimoto et al. and Ramaswamy and in further view of Itoh et al. Claims 10-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. in view of Hashimoto et al. and in further view of Ramaswamy. Claims 12-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. in view of Hashimoto et al. and Ramaswamy and in further view of Nakano et al. (U.S. Publication No. 2002/0128768). Claims 18-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Kortum et al. in view of Hashimoto et al. in further view of Itoh et al. Applicant respectfully traverses these rejections.

#### **A. Kortum et al.**

The Office Action misinterprets Kortum et al. The Office Action argues that Kortum et al. obtains pieces of link information for potential display. Office Action, p. 19. However, the portions of Kortum et al. relied upon, Figures 4 and 9, do not disclose a menu-screen obtaining unit for obtaining pieces of link information that may be optionally

displayed, such as depending upon a connection status. Rather, with Kortum et al., all of the link information acquired is displayed. *See, e.g.*, para. 0045.

The Office Action also argues that Kortum et al. displays only pieces of link information associated with linked servers that are currently accessible, relying upon Figure 7, element 700. Office Action, pp. 3 and 19. To the contrary, Kortum et al. states that the browser window 700 of Figure 7 is launched after a secure connection to a virtual private network (VPN) is completed. Para. 0059-60. The browser window 700 does not display only pieces of link information associated with a number of linked servers that are currently accessible. Rather, the browser window 700 only permits access to the VPN. Para. 0059-60; Figure 7.

The Office Action further argues that Kortum et al. prevents a user from performing inefficient user operations. Office Action, p. 19. The portions of Kortum et al. cited disclose displaying all of the pieces of link information, even link information associated with inaccessible servers. *See, e.g.*, paras. 0042, 0045-0047. Therefore, rather than remove link information associated with inaccessible servers from the menu, with Kortum et al., there is nothing preventing users from inefficiently clicking upon, such as via an input device, the “unavailable” service shown in Figure 10. *See, e.g.*, para. 0050. As none of the cited portions of the other references relied by the Office Action cure these deficiencies, Applicant respectfully submits that all of the obviousness-type rejections have been overcome for this reason alone.

Furthermore, since the time that the Office Action was mailed, the new *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526 (Oct. 10, 2007) have been issued. The new Examination Guidelines state that “the

key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* stated that ‘[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’” 72 Fed. Reg. 57528, col. 3 – 57529, col. 1. Applicant respectfully submits that the Office Action’s conclusory statements that the references relied upon are all related to the “same field of endeavor” are legally deficient. Additionally, all of the claims are broadly related to altering a menu screen depending upon various conditions. Other than Kortum et al., none of the references relied upon by the Office Action pertain to altering menu screens that display a plurality of pieces of link information and thus cannot reasonably be construed as relating to the “same field of endeavor.”

#### **B. Claims 1-6**

Independent claim 1 as amended recites “a menu screen obtaining unit configured to obtain a menu screen including pieces of link information for potential display on the menu screen, each of the pieces of link information (1) specifying a different linked server and (2) is potentially displayed on the menu screen depending upon a connection status of the corresponding linked server.” As explained above, Kortum et al. does not obtain pieces of link information that may be potentially displayed depending upon a connection status. Rather, Kortum et al. displays each piece of link information, regardless of connection status.

Independent claim 1 as amended also recites “a menu screen display processing unit configured to remove pieces of link information associated with inaccessible linked

servers from the menu screen and display only pieces of link information that are associated with accessible linked servers based upon the connection status of each linked server checked by the connection status checking unit such that the menu screen does not display pieces of link information obtained by the menu screen obtaining unit corresponding to inaccessible linked servers.” As noted above, the cited portions of Kortum et al. do not remove link information associated with inaccessible linked servers from a menu screen to display only pieces of link information associated with currently accessible linked servers.

None of the cited portions of the other references relied upon cure these deficiencies. Therefore, Applicant respectfully submits that the rejection to claim 1 has been overcome. Claims 2-6 depend upon independent claim 1 and should be allowable for at least the same reasons.

Additionally, claim 3 as amended recites “a discrimination mark differs depending upon a level of the connection status and is associated with the corresponding piece of link information, the level of the connection status represented by the discrimination mark indicating the strength of radio waves received by the terminal associated with the linked server, the radio waves carrying image data displayable on a network browser or audio data.” The Office Action acknowledges that Kortum et al. and Ramaswamy do not determine the strength of received radio waves, and therefore Kortum et al. as modified does not alter the pieces of link information being displayed based upon the strength of radio waves associated with respective linked servers. Likewise, as Itoh is directed to signal processing, not user interfaces, Itoh does not alter which pieces of link information are currently being displayed on a menu screen.

The Office Action argues that Itoh and Kortum et al. are from the same field of endeavor without defining the “same field of endeavor.” Kortum et al. is broadly related to the user interface field. On the other hand, Itoh is broadly directed toward the field of signal processing.

Therefore, as Itoh is not related to the field of user interfaces, it is non-analogous art and one skilled in the art would not have looked to drastically modify Itoh to reach the limitations of claim 3. *See, e.g., In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992) (one seeking to solve a problem related to the fastening of a hose clamp would not have reasonably been expected or motivated to look to the field of garment fasteners. *Id.* at 1446). To utilize such a non-analogous reference as Itoh to reconstruct Applicant’s invention only with the benefit of hindsight is insufficient to establish a *prima facie* case of obviousness. *See id.* at 1446. Therefore, Applicant respectfully submits that Itoh is not analogous prior art and hence cannot properly be used as a reference to issue a § 103 rejection.

Claim 6 recites “the terminal is mounted upon a vehicle and the connection status checking unit checks the connection status of the linked server while the vehicle is stopped.” The Office Action relies upon Hashimoto et al. as disclosing this limitation. However, the cited portions of Hashimoto et al. are related to conventional vehicle navigation techniques, not altering a menu of pieces of link information based upon a connection status of a linked server.

### **C. Claims 7-17**

Independent claim 7 as amended recites “a connection status checking unit configured to check the current connection status of each linked server specified by an individual piece of link information included within the menu screen when a component

of the vehicle mounted terminal determines that a predetermined condition associated with the running state and/or current location of a vehicle on which the vehicle mounted terminal is mounted has been satisfied, the current connection status indicating whether the corresponding linked server is wirelessly accessible or not by the vehicle mounted terminal.” The cited portions of the references relied upon in the Office Action do not disclose monitoring a predetermined condition associated with the running state and/or current location of the vehicle, and when that condition is satisfied, checking the connection status of a number of potentially accessible linked servers. Accordingly, Applicant respectfully submits that the rejection to claim 7 has been overcome.

Claims 8-17 depend upon claim 7 and should be allowable for at least the same reasons. Additionally, the cited portions of the references relied upon in the Office Action do not disclose the following limitations from amended claims 8-13.

Claim 8 as amended recites “the predetermined condition associated with the running state and/or current location of a vehicle is determined to be satisfied when the speed of the vehicle detected by a vehicle-speed determining unit of the vehicle changes and crosses a predetermined value.” None of the references relied upon alter a menu screen showing the connection status of various servers based upon vehicle speed.

Claim 9 as amended recites “the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the electric field strength of the radio waves carrying the image and/or audio information received by the communication processing unit is determined to have changed and crossed a predetermined reference value by an electric-field strength determining unit of the vehicle mounted terminal.” None of the cited portions of the references relied upon alter a menu screen showing the connection status of various servers based upon electric field strength.

Claim 10 as amended recites “the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the communication medium determining unit determines that the communication medium or communications mode of wireless communications of the vehicle mounted terminal has changed.” None of the cited portions of the references relied upon alter a menu screen showing the connection status of various servers based upon a change in communications medium or mode of a vehicle mounted terminal.

Claim 11 as amended recites “the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the geographic conditions determined by the geographic condition determining unit change.” None of the cited portions of the references relied upon alter a menu screen showing the connection status of various servers based geographic conditions. The Office Action relies upon Hashimoto et al. However, Hashimoto et al. merely transmits a message depending upon geographic condition, which is not altering the pieces of link information displayed within the menu screen, as recited by claim 11.

Claim 12 as amended recites “the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the type of road determined by the road determining unit changes.” None of the cited portions of the references relied upon alter a menu screen showing the connection status of various servers based upon type of road.

Claim 13 as amended recites “the predetermined condition associated with the running state and/or current location of the vehicle is satisfied when the past communication status corresponding to the driving location of a vehicle is determined to be unfavorable based upon the communication status history stored within the

communication status history storing unit.” None of the cited portions of the references relied upon disclose altering a menu screen showing the connection status of various servers based upon past communications.

**D. Claims 18-20**

Applicant notes that independent claim 18 is a method claim. The cited portions of the references relied upon by the Office Action do not reveal all of the recited actions, even if one were to combine those references.

Independent claim 18 as amended recites “displaying a menu screen on a terminal mounted on a vehicle, the menu screen including pieces of link information associated with potentially accessible linked servers interconnected with a network, the potentially accessible linked servers may or may not be accessible by the terminal mounted on the vehicle depending upon driving state and/or driving location of the vehicle” and “checking a current connection status of each potentially accessible linked server specified by the pieces of link information included within the menu screen when (1) the vehicle is traveling and (2) the terminal automatically determines that a predetermined condition that is a function of driving state and/or driving location of the vehicle has been satisfied, the current connection status indicating whether radio waves carrying image and/or audio data originating from a corresponding potentially accessible linked server are currently wirelessly accessible or not by the terminal.” The cited portions of the references relied upon do not obtain a menu screen with potentially accessible linked servers and then check the current connection status of each potentially accessible linked server when (1) the vehicle is traveling and (2) the terminal automatically determines that a predetermined condition that is a function of driving state or location has been satisfied. Accordingly, Applicant respectfully submits that the rejection to claim 18 has been

overcome. Claims 19 and 20 depend upon claim 18 and should be allowable for at least the same reasons.

### **SUMMARY**

Applicant respectfully submits that all of the pending claims are in condition for allowance and seeks allowance thereof. If for any reason the Examiner is unable to allow the Application but believes that an interview would be helpful to resolve any issues, the Examiner is respectfully requested to call the undersigned at (312) 321-4277.

Respectfully submitted,

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